



PRESENT:

Mr. F. Wayne Bass, Chairman
Dr. William P. Brown, Vice Chairman
Mr. Russell Gulley
Mr. Sam R. Hassen
Mr. Reuben J. Waller, Jr.
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. Bill Dupler, Deputy County Administrator,
Community Development
Mr. Michael E. Tompkins, Assistant Director,
Development Review Section, Planning Department
Mr. Glenn E. Larson, Assistant Director, Plans
and Information Section, Planning Department
Mr. Gregory E. Allen, Planning Manager, Development
Review Section, Planning Department
Mr. Carl D. Schlaudt, Planning Manager, Development
Review Section, Planning Department
Mr. David W. Robinson, Senior Assistant County Attorney,
County Attorney's Office
Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office
Ms. Jane Peterson, Planning and Special Projects Manager,
Development Review Section, Planning Department
Ms. Naomi Siodmok, Planning and Special Projects Intern
Development Review Section, Planning Department
Ms. Darla W. Orr, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Teresa C. Davis, Planning and Special Projects Coordinator,
Development Review Section, Planning Department
Mr. Robert V. Clay, Planning and Special Projects Manager;
Development Review Section, Planning Department
Ms. Pamela Nichols, Clerk to the Commission,
Administration Section, Planning Department
Ms. Beverly Rogers, Planning Administrator
Planning Department
Mr Alan Coker, Senior Planner, Development
Review Section, Planning Department

Ms. Amy Somervell, Senior Planner, Development
Review Section, Planning Department
Ms. Natalie Spillman, Senior Planner, Development
Review Section, Planning Department
Mr. Ryan Ramsey, Senior Planner, Development
Review Section, Planning Department
Mr. Garet Prior, Intern, Development
Review Section, Planning Department
Mr. John Harmon, Real Property Manager
Utilities Department
Mr. Randy Phelps, Principal Engineer,
Utilities Department
Mr. Stuart Connock, Chief of Parks/Design and Construction,
Parks and Recreation Department
Mr. Dave Wolverton, Microcomputer Analyst
Information Systems Technology
Firefighter Greg Smith, Fire and Life Safety,
Fire and EMS Department

ASSEMBLY AND WORK SESSION.

Messrs. Bass, Brown, Gulley, Hassen, Waller and staff assembled at 3:00 p. m. in the Public Meeting Room, Chesterfield County Administration Building, 10001 Iron Bridge Road Chesterfield, VA, for a work session.

I. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS, CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions, changes in the order of presentation.

- I. Requests to Postpone Action, Emergency Additions, Changes in the Order of Presentation.
- II. Review Upcoming Agendas. (Any rezonings or conditional uses scheduled for future meetings.)
- III. Review Day's Agenda. (Any items listed for the 4:00 p.m. and 6:00 p.m. Sessions.)
- IV. Work Program – Review and Update.
- V. Planning Commission's Follow-up Items List.
- VI. Evaluation of Development Regulations (Cost of Development) Project Overview.
- VII. Proposed Code Amendment Related to Landscape Maintenance Bonding.
- VIII. Proposed Code Amendment Related to Stormwater Management/Best Management Practices (SWM/BMP) Facilities in Buffers.
- IX. Recess.

II. REVIEW UPCOMING AGENDAS.

Mr. Carl Schlaudt apprised the Commission of the caseload agenda for the upcoming months for July, August and September 2011.

III. REVIEW DAY'S AGENDA.

Mr. Greg Allen presented an overview of, and staff's recommendations for, requests to be considered at the 4:00 p.m. Public Meeting.

Mr. Gulley advised staff that the applicant for Case 08TS0415 agreed to a ninety (90) day deferral.

Mr. Carl Schlaudt presented an overview of, and staff's recommendations for, requests to be considered at the 6:00 p.m. Public Hearing.

Mr. Kirk Turner presented an item for public comment the Electronic Message Center Policy; and presented an overview of and staff's recommendation for the Proposed Code Amendment Related to Electronic Message Center to be considered at the 6:00 p.m. Public Hearing.

In response to Mr. Gulley's question relative to Sec. 19-633 (i), Mr. Allen stated there are variable as to the reasons for the malfunction of a unit; therefore, it was better to give the Planning Director some flexibility or discretion on the suspension.

Mr. Gulley asked if the wording could be restructured to make the enforcement language stronger.

Mr. Hassen suggested revising the wording to read "If the EMC permit holder receives **anymore** notices of violation within 12 months of the end of the suspension period, the director of planining **shall** suspend the EMC sign permit for a period of up to thirty (30) days for each additional violation."

IV. WORK PROGRAM – REVIEW AND UPDATE. [WORK PROGRAM](#)

There were no questions on items listed on the work program.

V. PLANNING COMMISSION'S FOLLOW-UP ITEMS LIST. [FOLLOW-UP ITEMS](#)

Mr. Clay advised the Commission, following the February work session, staff contacted a Telecommunications' Industry Representative who agreed to provide data on maintenance cost for stealth towers; however, to date, staff has not received that information; and the representative has not responded to staff's continuous request for information. He stated staff has contacted another representative and is currently awaiting a response from that individual.

VI. EVALUATION OF DEVELOPMENT REGULATIONS (COST OF DEVELOPMENT) PROJECT OVERVIEW. [COST OF DEVELOPMENT](#)

Ms. Beverly Rogers provided an overview of the Evaluation of Development Regulations (Cost of Development) project; and advised the Commission at the beginning of 2010, staff and the development community partnered to evaluate development codes and policies with the goals of eliminating the burden of those regulations that do not add value to the community, but at the same time ensuring that high quality standards that are necessary to sustain both the residential and

commercial communities were maintained. She stated staff evaluated the development community's written and verbal comments; and provided responses for each item to the development community; subsequently, the development community appointed sub-committees to meet with individual departments to evaluate staff's responses to each issue. She stated the sub-committees and staff arrived at consensus as to how to address those issues that needed further consideration. She stated approximately 100 issues were identified and to date numerous administrative actions have been taken. In addition, staff and the development community continue to work on several outstanding issues. She stated on May 25, 2011, the Board of Supervisors indicated that it would be appropriate to allow the development community to vet the appropriateness of several suggested ordinance amendments through the public process; directed staff to draft ordinance amendments relating to limited clearing in setbacks along public roads, RPA setbacks in residential areas; parking and buffer requirements and natural resource inventory at the time of zoning application in the Upper Swift Creek watershed; and further, directed the Commission to hold a public hearing on the following two (2) ordinances: Landscape Maintenance Bonding and Stormwater Management/Best Management Practices (SWM/BMP) Facilities in Buffers.

VII. PROPOSED CODE AMENDMENT RELATED TO LANDSCAPE MAINTENANCE BONDING.

LANDSCAPE MAINTENANCE

Ms. Rogers advised the Commission as provided by State Law, the Commission has 100 days after the June 21, 2011 meeting to act on the amendment; and provided an overview of the propose ordinance amendment. She stated the current ordinance requires a developer to post surety, for a one (1) year period from initial occupancy, in an amount equal to fifty (50) percent of the installation cost to cover the replacement of required landscaping which becomes unhealthy, is dying, dies or has been pollarded; however, the development community has indicated that the cost of providing maintenance surety unnecessarily drives up the cost of development. She stated since the Commission's work session in September 2010, an alternative amendment was prepared which would continue to require the posting of a one-year surety, but allow, at the developer's option, submission of a guarantee from the landscape contractor that any required landscaping which becomes unhealthy, is dying, dies or has been pollarded within the first year of planting will be replaced. In conclusion, she stated in the instance of a warranty, should a contractor default, code enforcement can be used to bring a site into compliance as is done with landscaping issues beyond the initial year time period.

In response to Mr. Bass' comment, Ms. Rogers stated the County has never pulled a landscape maintenance bond; that the County would continue requiring bonding for the initial installation for landscaping; and that the proposed amendment is for the one (1) year landscape maintenance bond.

In response to Mr. Waller's comment, Mr. Bill Dupler stated Risk Management has bonding criteria for bonding companies; and the bonds are reviewed by the County Attorney to ensure the criteria is met prior to acceptance.

The Commission requested information regarding the Risk Management Department's requirements relative to bonding criteria.

VIII. PROPOSED CODE AMENDMENT RELATED TO STORMWATER MANAGEMENT/BEST MANAGEMENT PRACTICES (SWM/BMP) FACILITIES IN BUFFERS. [SWM/BMP](#)

Ms. Rogers then provided an overview of the second proposed code amendment noting the proposed amendment would allow administrative approval of an encroachment of a SWM/BMP into a buffer

provided it is staff's determination that the encroachment will not violate the spirit and intent of the required buffer. She stated the ordinance allows an appeal of the administrative decision to the Planning Commission without the necessity to pay an appeal fee; therefore, an aggrieved person, such as an adjacent property owner, would still be able to have their concerns addressed by the Planning Commission should they so desire.

Mr. Bass agreed with Mr. Gulley's concern that this amendment was undoing what was previously done to protect the integrity of the buffers and SWM/BMPs.

In response to Mr. Waller's question, Mr. David Robinson stated the definition of "aggrieved persons" includes adjacent property owners and lessees as well as someone who owns or leases property nearby who would be affected in an immediate or substantial manner not generally shared by the public.

On motion of Mr. Gulley, seconded by Mr. Hassen, the Commission resolved to set public hearings for the Proposed Code Amendments Related to Landscape Maintenance Bonding and Stormwater Management/Best Management Practices (SWM/BMP) Facilities in Buffers for July 19, 2011.

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

IX. RECESS.

There being no further business, the Commission recessed at 3:42 p.m., agreeing to reconvene in the Public Meeting Room for the Afternoon Session.

4:00 p.m. PUBLIC MEETING.

I. CALL TO ORDER.

Mr. Bass, Chairman, called the meeting to order at 4:05 p.m. in the Public Meeting Room, Chesterfield County Administration Building.

II. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions, changes in the order of presentation.

III. REVIEW MEETING PROCEDURES.

Mr. Greg Allen introduced Mr. Gareth Prior, a volunteer summer intern working with the Planning Department.

Mr. Turner reviewed the meeting procedures.

IV. APPROVAL OF THE MAY 17, 2011 PLANNING COMMISSION MINUTES:

- May 17, 2011 Planning Commission Minutes.

 [5-17-11 CPC DRAFT MINUTES](#)

Mr. Turner noted a clerical error in which Ms. Tara McGee's name was not included in the list of attendees for the May 17, 2011 minutes.

On motion of Dr. Brown, seconded by Mr. Waller, the Commission resolved to approve the May 17, 2011 Planning Commission Minutes with correction.

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

V. PUBLIC HEARING.

• **DEFERRAL REQUESTS BY INDIVIDUAL PLANNING COMMISSIONERS.**

- A. 08TS0415:** In Clover Hill Magisterial District, **AMBERLEIGH LLC** requested tentative subdivision approval for **AMBERLEIGH PHASE 2** in a Residential Townhouse (R-TH) District on 14 acres located at the west terminus of Amberdale Drive approximately 200 feet west of the intersection of Amberdale Drive and Amberleigh Boulevard. Tax IDs 751-687-Part of 3263 and 6883; 751-688-9127; 752-688-Part of 1888.

 [08TS0415 - STAFF ANALYSIS](#)

Mr. Todd Chalmers, the applicant's representative, accepted deferral of Case 08TS0415 by Mr. Gulley to the September 20, 2011 Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at Mr. Gulley's request.

On motion of Mr. Gulley, seconded by Mr. Waller, the Commission, on their own motion and with the applicant's consent, resolved to defer Case 08TS0415 to their September 20, 2011 Planning Commission meeting.

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

- C. 11PW0199:** In Bermuda Magisterial District, **SAMARTIN INVESTMENTS, LLC** requested a development standards modification for paving and curb and gutter to permit gravel parking and drives for **SAMARTIN** in a Commercial (C-3) and Agricultural (A) District on approximately 5 acres located at 13720 Jefferson Davis Highway. Tax ID 799-648-6572.  [11PW0199 - STAFF ANALYSIS](#)

The applicant consented, through written communication, deferral of Case 11PW0199, by Mr. Hassen to the August 16, 2011 Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at Mr. Hassen's request.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission, on their own motion and with the applicant's consent, resolved to defer Case 11PW0199 to their August 16, 2011 Planning Commission meeting.

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

- **CASE WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE IS NO PUBLIC OPPOSITION.**

- B. **11PW0213:** In Bermuda Magisterial District, **LOGAN'S ROADHOUSE** requests a modification to development standards for the architectural requirements for **LOGAN'S ROADHOUSE** in a Community Business (C-3) District on 1.8 acres, fronting 222 feet on the south line of West Hundred Road, located approximately 1260 feet east of Jefferson Davis Highway and approximately 200 feet west of I-95. Tax IDs 800-654-2833 and Part of 2613. [11PW0213 - STAFF ANALYSIS](#)

Mr. Mark Brashears, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission resolved to approve Case 11PW0213 subject to the following conditions:

CONDITIONS

1. The foundation of the building shall be faced with masonry. (P)
2. The building façade shall be substantially constructed as shown on the revised elevations, drawn by Design & Engineering Inc. and titled "Chester, Virginia Prototype RH65", dated May 24, 2011. (P)

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

VI. RECESS.

There being no further business to discuss, the Commission recessed the Afternoon Session at approximately 4:08 p.m., agreeing to meet in the Executive Meeting Room at 5:00 p.m. for dinner; and to reconvene in the Public Meeting Room at 6:00 p.m. for the public hearing.

5:00 p.m. DINNER - EXECUTIVE MEETING ROOM.

During dinner, there was general discussion regarding pending cases.

6:00 p.m. PUBLIC MEETING AND HEARING.

I. INVOCATION.

Mr. Hassen presented the invocation.

II. PLEDGE OF ALLEGIANCE TO THE FLAG OF UNITED STATES OF AMERICA.

Mr. Robert Clay led the Pledge of Allegiance to the Flag.

III. REVIEW UPCOMING AGENDAS.

Mr. Kirk Turner apprised the Commission of the caseload agenda for the upcoming months.

IV. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

V. REVIEW MEETING PROCEDURES.

Mr. Carl Schlaudt introduced Ms. Naomi Siodmok, a volunteer summer intern working with the Zoning Section.

Mr. Kirk Turner reviewed the meeting procedures.

VI. CITIZEN COMMENT ON UNSCHEDULED MATTERS.

Ms. Andrea Epps commented that the Commission should spend more time on the review of the draft Comprehensive Plan and less time on discussing processes that may or may not work.

VII. PUBLIC HEARING.

• **WITHDRAWAL REQUEST BY APPLICANT.**

- D. 11SN0213:** In Matoaca Magisterial District, **NEW CINGULAR WIRELESS PCS, LLC** withdrew consideration for a request for conditional use approval and amendment of zoning district map to permit a communications tower in an Agricultural (A) District on 24 acres fronting 20 feet on the north line of River Road, 3600 feet west of Taylor Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for rural conservation use. Tax ID 694-643-Part of 9312.

 [11SN0213 - STAFF ANALYSIS](#)

Mr. Bass noted the applicant's written request for withdrawal of Case 11SN0213.

No one came forward to speak in favor of, or in opposition to, the withdrawal.

The Commission acknowledged the withdrawal.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission acknowledged withdrawal of Case 11SN0213.

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

- **DEFERRAL REQUEST BY INDIVIDUAL PLANNING COMMISSIONER.**

- C. **11SN0208:** In Clover Hill Magisterial District, **GERALD V. NOTARE** requested conditional use approval and amendment of zoning district map to permit a business (paving contractor) incidental to a dwelling in an Agricultural (A) District on 3.7 acres fronting 290 feet on the north line of West Providence Road, 220 feet west of Stemwell Boulevard. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.51 to 4.0 units/acre. Tax IDs 752-694-2486 and 752-695-4111. [11SN0208 - STAFF ANALYSIS](#)

Mr. Gerald Notare, the applicant, accepted deferral of Case 11SN0208 by Mr. Gulley to the July 19, 2011 Planning Commission public hearing.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at Mr. Gulley's request.

On motion of Mr. Gulley, seconded by Dr. Brown, the Commission, on their own motion and with the applicant's consent, resolved to defer Case 11SN0208 to their July 19, 2011 Planning Commission public hearing.

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

- **CASES WHERE APPLICANTS ACCEPT STAFF'S RECOMMENDATION AND THERE IS NO PUBLIC OPPOSITION.**

- A. **11SN0207:** In Midlothian Magisterial District, **BELLONA ARSENAL FARM ASSOCIATES** requests conditional use approval and amendment of zoning district map to permit a stock farm plus conditional use planned development to permit the keeping and breeding of exotic animals in a Residential (R-40) District on 71.8 acres known as 3816 Old Gun Road West. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for 1 dwelling/acre or less. Tax ID 737-725-8140. [11SN0207 - STAFF ANALYSIS](#)

Dr. and Mrs. Fitzhugh, the applicants, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Waller stated there was no opposition to the request; and the business has operated for a number of years.

On motion of Mr. Waller, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 11SN0207 subject to the following conditions:

CONDITIONS

1. The following listed domesticated animals shall be the only domesticated animals permitted to be kept on the property, and the number of each adult domesticated animal species shall be limited to the number shown in parenthesis:

- a. Cattle (20);
- b. Horses (8);
- c. Goats (8);
- d. Donkeys or mules (8);
- e. Llamas (4);
- f. Camels (14); and
- g. Sheep (3).

The permitted number of each adult domesticated animal shall not include any off-spring that is less than one (1) year in age. Nothing contained herein shall prohibit the keeping of common household pets on the property as otherwise permitted under applicable ordinances. (P)

(STAFF NOTE: Camels and llamas are not defined by the Zoning Ordinance as stock animals, and therefore, will be included in the thirty (30) percent limitation of the conditional use planned development request.)

2. The following listed exotic animals shall be the only exotic animals permitted to be kept on the property, and the number of each exotic animal species shall be limited to the number shown in parenthesis:

- a. Zebras (8);
- b. Wallabies (10);
- c. Kangaroos (14);
- d. Guenons (10);
- e. Foxes (4);
- f. Capuchins (15);
- g. Spider monkeys (5);
- h. Lemurs (25); and
- i. Coatimundis (2).

The permitted number of each adult exotic animal shall not include any off-spring that is less than one (1) year in age. (P)

3. All domesticated animals shall be confined in the areas shown on the attached Exhibit "A" entitled "Locations of Animal Confinement" and identified with a "D." All exotic animals shall be confined in the areas identified with an "E" as shown on the "Locations of Animal Confinement." (P)
4. Except as further restricted in Condition 5 below, this conditional use and conditional use planned development shall be permitted only for as long as (a) Dr. William G. Fitzhugh and/or Marianne Fitzhugh, or an entity owned solely by Dr. William G. Fitzhugh and/or Marianne Fitzhugh, are owners of the property; (b) Dr. William G. Fitzhugh and/or Marianne Fitzhugh, or an entity owned solely by Dr. William G. Fitzhugh and/or Marianne Fitzhugh, operate the domesticated and exotic animal breeding operation; (c) the operation is conducted on property that contains in excess of sixty-five (65) acres of land; and (d) Dr. William G. Fitzhugh and/or Marianne Fitzhugh reside on the property. (P)
5. This conditional use and conditional use planned development approval shall be granted for a period not to exceed ten (10) years from the date of approval. (P)
6. Within thirty (30) days of approval of this request, the County Health Department shall inspect the animal breeding operation for compliance with health codes and the owner shall make necessary corrections to comply with findings of non-compliance by the County Health Department. Thereafter, the County Health Department shall inspect annually the animal breeding operation and require the owner to make any necessary corrections to comply with applicable health codes. (H)
7. A report shall be filed with the County Health Department by July 1st of each year which provides documentation of all medical evaluations and test results for the exotic animals. That report shall include information on the results of all state and federal inspections of the exotic animal breeding operation, including any inspections by the United States Department of Agriculture. (H)
8. If determined by any County or State Department that there has been a violation of the conditions stated herein and such violation is not corrected in a timely fashion, as determined by and to the satisfaction of the responsible department, the Planning Department shall seek permission to process an application on behalf of the Board of Supervisors to consider a rescission of the conditional use and the conditional use planned development approvals. (P)
9. Animal confinement areas may be relocated or expanded if required for the animals' health or well-being, or as suggested or required by any regulatory body, provided that all animal confinement areas must be located at least 100 feet from any property boundary. (P)
10. In addition to the animal enclosures, an eight (8) foot high security fence shall be provided around area(s) housing exotic animals. (P)
11. These uses shall not be open to the public. (P)

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

- E. **11SN0214:** In Midlothian Magisterial District, **CHESTERFIELD COUNTY UTILITIES DEPARTMENT** requests conditional use planned development approval and amendment of zoning district map to permit an above-ground water storage tank with communications tower use plus exceptions to Ordinance requirements in Agricultural (A) and Residential (R-7) Districts on 2 acres fronting 60 feet on the south line of Robious Road, across from Woodmont Drive. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use and parks, recreation or open space. Tax IDs 743-712-Part of 5024 and 744-712-Part of 4237.

[!\[\]\(21199eb166cc97331a0c54c649195dcc_img.jpg\) 11SN0214 - STAFF ANALYSIS](#)

Mr. Randy Phelps, the applicant's representative, accepted staff's recommendations.

There was opposition present; therefore, this case was moved to cases that requires discussion.

- F. **11PD0220:** In Midlothian Magisterial District, **CHESTERFIELD PARKS AND RECREATION** requests substantial accord determination and amendment of zoning district map to permit a public park in a Residential (R-7) District on 2.4 acres located 230 feet off the southern terminus of Old Farm Road and its intersection with Larkhill Lane. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use. Tax ID 743-712-5024.

[!\[\]\(23d9fc146e83b5c3013cfa32c784f8d5_img.jpg\) 11PD0220 - STAFF ANALYSIS](#)

Mr. Stuart Connock, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Waller, seconded by Mr. Gulley, the Commission found Case 11PD0220 for a public park to be in Substantial Accord with the Comprehensive Plan subject to the following conditions:

CONDITIONS

1. With the exception of the requirements for recreational facilities outlined in Condition 2, development shall conform to the requirements of the Zoning Ordinance for office uses in the Emerging Growth District Area. (P)
2. Recreation Facility Setbacks:
 - A. The setback for all outdoor play fields, courts, swimming pools and similar active recreational areas, including any playground areas (areas accommodating swings, jungle gyms or similar such facilities) shall be a minimum of fifty (50) feet from any proposed or existing single-family residential lot lines and any existing or proposed public road. Within this fifty (50) foot setback, a fifty (50) foot buffer shall be provided along the perimeter of all active recreational facilities except where adjacent to any existing or proposed public roads. These buffers shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers.
 - B. The setback for all outdoor play fields, courts, swimming pools and similar active recreational areas, including any playground areas (areas

accommodating swings, jungle gyms or similar such facilities) shall be a minimum of thirty (30) feet from the western property boundary. Within this thirty (30) foot setback, a twenty (20) foot buffer shall be provided. This buffer shall be located adjacent to the western property boundary and shall conform to the requirements of the Zoning Ordinance for buffers less than fifty (50) feet in width. (P)

3. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
4. Outdoor play fields, courts, swimming pools and similar active recreational areas shall not be lit. (P)
5. There shall be no permanent vehicular access to the property from Old Farm Road. (P)

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

- **CASE WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE IS PUBLIC OPPOSITION.**

- E. **RECALLED - 11SN0214:** In Midlothian Magisterial District, **CHESTERFIELD COUNTY UTILITIES DEPARTMENT** requests conditional use planned development approval and amendment of zoning district map to permit an above-ground water storage tank with communications tower use plus exceptions to Ordinance requirements in Agricultural (A) and Residential (R-7) Districts on 2 acres fronting 60 feet on the south line of Robious Road, across from Woodmont Drive. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use and parks, recreation or open space. Tax IDs 743-712-Part of 5024 and 744-712-Part of 4237.

 [11SN0214 - STAFF ANALYSIS](#)

Ms. Darla Orr provided an overview of the request and staff's recommendation for approval noting while the Huguenot/Robious/Midlothian Area Plan and the Northern Area Plan suggest the request property is appropriate for regional mixed use and parks/recreation use or open space, the proposed water storage tank and communications tower located with existing public and semi/public facilities (adjacent to a community park and a television broadcasting station) would be appropriate to serve area development, as conditioned. She stated the proposed water storage tank and proposed communications tower conforms to the Public Facilities Plan which recommends water system expansion which will accommodate development consistent with the Northern Area Plan and increase quality and reliability of the existing system; and that communications towers and utility facilities should co-locate whenever feasible; and incorporating the communications facilities into the water storage tank will minimize the need for an additional freestanding communications tower in the area, thereby reducing tower proliferation.

Mr. Randy Phelps, the applicant's representative, accepted staff's recommendations; and responded to Dr. Brown's question relative to the cost to develop the proposed site.

Mr. James Rountree asked questions relative to the location of the existing water tower; size of the existing parcel; ability to construct the proposed tank on the existing parcel; cost to development; and expressed desire to have the proposed tower located near the television tower.

Mr. Mark Spiller, representing WVCE, supported the request; however, he questioned whether the County would be willing to work with the television station in the event there was interference with the television tower.

Ms. Andrea Epps questioned the cost to develop the proposed site.

Mr. Bob Olson questioned if the additional cost for the proposed site was practical.

In rebuttal, Mr. Phelps stated the water tank is proposed on the southern portion of a County-owned property and locating closer to the television tower would require putting the tower on the adjacent property. He stated the County is willing to work with Mr. Spiller to address problems that may arise from the proposed tower.

There being no one else to speak, Mr. Bass closed the public comments.

Dr. Brown voiced concern relative to the additional costs identified to develop the site.

Messrs. Bass, Gulley and Hassen stated the proposed site was an appropriate compromise considering other County properties were identified for a school or fire station expansion.

Mr. Waller stated this proposed site was a valid site; that the general fund would not be used to fund the development; and that the interdepartmental agreement between the Departments of Parks and Recreation and Utilities would enable the expansion of the park in a timely manner.

Mr. Phelps consented to the imposed condition by Mr. Waller.

On motion of Mr. Waller, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 11SN0214 subject to renumbering the Condition in the Request Analysis as Condition 1 and imposing Condition 2 and acceptance of the following proffered conditions:

CONDITION

1. In conjunction with the approval of this request, a 100 foot exception to the fifty (50) foot height limitation for the water storage tank and communications tower use shall be approved. (P)
2. Within the thirty (30) foot setback along the western property boundary, a twenty (20) foot buffer shall be provided. This buffer shall be located adjacent to the western property boundary and shall conform to the requirements of the Zoning Ordinance for buffers less than fifty (50) feet in width. (P)

PROFFERED CONDITIONS

1. All mechanical equipment located on or associated with any building or structure shall be screened from adjacent properties and public rights of way in accordance with

Emerging Growth District standards. This condition shall not require screening for the tank structure or communications antenna. (P)

2. The required setbacks for the water tank and any buildings, parking and drives shall be as follows:
 - A. Front and rear yards – Minimum of thirty (30) feet; and
 - B. Side yards – Minimum of twenty-five (25) feet. (P)
3. The water tank shall be secured by a minimum eight (8) foot high fence designed to preclude trespassing. (P)
4. There shall be no signs permitted to identify the water tank or communications tower use. (P)
5. The communications tower use shall only be permitted if it is incorporated into the structure of the water storage tank. Equipment and cables shall be mounted so as to minimize their visual impact, and antenna shall be mounted on the top of the tank. (P)
6. The water storage tank shall be white, grey or another neutral color, acceptable to the Planning Department. The communications equipment (antennas, mounting hardware, cables, etc.) mounted on the outside of the water tank structure shall be the same or similar color as the tank. Except for security lighting over the access doors at the base of the tank, the tank and communications equipment shall not be lighted. (P)
7. There shall be no permanent vehicular access from the property to Old Farm Road. (Note: This proffered condition does not preclude a temporary construction access from the property to Old Farm Road.) (P)
8. At such time that any communications antenna or equipment ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer of the communications tower use shall dismantle and remove the antennas and all associated equipment from the property. (P)
9. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved erosion control devices have been installed. (EE)

AYES: Messrs. Bass, Gulley, Hassen and Waller.

NAY: Dr. Brown.

• **CODE AMENDMENT AND POLICY.**

It was the consensus of the Commission to have a combine presentation on the Electronic Message Center (EMC) policy and code amendments; and to receive comments on both items.

VIII. CITIZEN COMMENT ON THE ELECTRONIC MESSAGE CENTER SIGN POLICY AND POSSIBLE AMENDMENTS RELATING TO SPACING, LINES OF COPY, DISPLAY COLORS, USAGE IN VILLAGES AND HIGHWAY CORRIDORS, SIGN APPEARANCE, AND BRIGHTNESS STANDARDS.
[!\[\]\(1492bec66b413e779a0d422b906879a0_img.jpg\) EMC SIGN POLICY](#)

Mr. Greg Allen provided an overview of the comparison between what the current policy states and the draft recommendations by the Planning Commission and Planning staff.

Mr. Bass opened the floor for public comments.

Messrs. Bob Olson and Paul Grasewicz expressed support for the Commission's proposal. There was also a recommendation for stronger language for violators.

Messrs. Steve Meadows, Marc Greenberg, Mark James, Tom Kern, Chuck Sipos, Brian Kellmar, Allen Twedt, Bob Schrum, Brennan Keene, David Stevens and Ms. Andrea Epps expressed support for staff's proposal.

Mr. David Friend asked for conservatism; and noted concerns relative to noise, proliferation of signs, brightness and effects on the citizens' quality of life.

There being no one else to speak, Mr. Bass closed the public comments.

Mr. Waller expressed support for staff's proposal relative to spacing between signs.

In response to Dr. Brown's question, Mr. Allen stated the proposed recommendation for distance from residentially zoned/occupied properties was reworded; however, the intent is the same as the current policy.

Mr. Hassen expressed support for the Commission's proposal relative to spacing between signs; and noted his preference for the ten (10) second timing interval and consideration for the use of EMC signs in areas where there are multiple businesses.

Mr. Gulley expressed support for the Commission's proposal; and noted preference for prohibition in certain areas.

Messrs. Bass, Brown and Waller expressed support for staff's proposal; with the exceptions of timing interval; spacing between signs; and requested the current policy language for distance from residentially zoned/occupied properties.

Mr. Bass stated a request for an EMC sign will continue to require a conditional use; therefore, conditions can be discussed.

On motion of Dr. Brown, seconded by Mr. Waller, the Commission resolved to recommend approval of staff's proposal for the Electronic Message Center Sign Policy with the following changes: no requirement for spacing between signs; no change from the current policy on distance from residentially zoned/occupied properties; and 30 second timing interval for timing of message changes.

| Requirement | Current Policy | Proposed CPC Policy Recommendations |
|--|--|--|
| Spacing between signs | 2,000 feet. However, depending upon the type of business proposing a new electronic message sign, consideration may be given to a lesser spacing (i.e., a business having an electronic message sign located closer than 2,000 feet to a competing business desiring an electronic message sign.) | Delete this requirement. <i>(Note: The Commission is not concerned with spacing requirements so long as the recommended 30- second message time remains in place to establish a static message appearance.)</i> |
| Distance from residentially zoned/occupied properties | Sign shall not be visible from R, R-TH or R-MF property or A property designated on the <u>Plan</u> for R, R-TH or R-MF use. If visible, sign shall be located a minimum of 1,000 feet from such property | Do not change. |
| Lines of copy | 2 lines; cannot move but copy may fade | Allow a maximum of 3 lines of copy. |
| Animation | Prohibited | Do not change. |
| Display color limitation | White or yellow | Delete this requirement. |
| Bijou lighting effects | Prohibited | Do not change. |
| Timing of message changes | 10 second intervals. However, depending upon special circumstances, consideration may be given to allowing changes more often than 10 seconds but no more often than 5 seconds | 30-second timing interval. |
| Sequential messaging | No limitation. | Prohibited. Electronic message display frames shall be complete messages and shall not require or induce drivers to watch a sign for several seconds. |
| Freestanding sign limitations | Recommend Ordinance Amendment to require that sign be incorporated into business sign face, abut a business sign face or integrated into a monument sign and that square footage be one half or less of the total sign area of business sign that it is incorporated into or abuts (Sec 19-635 (e)) | <i>Requirement adopted under Sec. 19-637(a). This item is now handled administratively through the sign permit review. This item can be removed from Policy.</i> |
| Village Districts (Midlothian, Chester, Bon Air and Ettrick) | Prohibited | Prohibit except allow consideration for residential/commercial mixed-use developments that lack visibility for tenants to a major arterial. |
| Matoaca Village Area | Prohibited | Prohibit except allow consideration for residential/commercial mixed-use developments that lack visibility for tenants to a major arterial. |
| Courthouse Area | Prohibited | Prohibit except allow consideration for residential/commercial mixed-use developments that lack visibility for tenants to a major arterial. |
| Historic Districts | Prohibited | No change. |
| Hull St Rd Corridor between Courthouse Rd to Chippenham Pkwy | Prohibited | Prohibit except allow consideration for residential/commercial mixed-use developments that lack visibility for tenants to a major arterial. |

| Requirement | Current Policy | Proposed CPC Policy Recommendations | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|--|--|----------------|-------------|---------|----------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|-----|
| Route 10 between the City/County limits and Courthouse area | Prohibited | Prohibit except allow consideration for residential/commercial mixed-use developments that lack visibility for tenants to a major arterial. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Hopkins Road Corridor | Prohibited | Prohibit except allow consideration for residential/commercial mixed-use developments that lack visibility for tenants to a major arterial. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Hull Street Road between Courthouse Road and County line (Amelia) | Prohibited | Prohibit except allow consideration for residential/commercial mixed-use developments that lack visibility for tenants to a major arterial. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Incorporation into a non-conforming sign | Prohibited - However, give consideration to allowing if the non-conforming sign's height and/or size is substantially reduced bringing the sign into closer conformance with Ordinance | No change. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Sign Appearance | No requirement. | EMC signs shall be incorporated into an architecturally designed sign structure that is compatible and complimentary to the building or project it serves. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Brightness Standards Requirements | No requirement. (Note: Excessive EMC sign brightness is another means to attract attention to a sign, and can cause glare to motorists. The recommended foot candle level for EMC signs is 0.3 foot candles at a set distance established by the sign size as shown in the adjacent chart.) | The sign shall not exceed 0.3 foot candles above ambient light as measured using a foot candle meter at a preset distance depending on sign area, measured as follows: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | <table><tr><th>Area of Sign</th><th>Measurement</th></tr><tr><th>sq. ft.</th><th>Distance (ft.)</th></tr><tr><td>10</td><td>32</td></tr><tr><td>15</td><td>39</td></tr><tr><td>20</td><td>45</td></tr><tr><td>25</td><td>50</td></tr><tr><td>30</td><td>55</td></tr><tr><td>35</td><td>59</td></tr><tr><td>40</td><td>63</td></tr><tr><td>45</td><td>67</td></tr><tr><td>50</td><td>71</td></tr><tr><td>55</td><td>74</td></tr><tr><td>60</td><td>77</td></tr><tr><td>65</td><td>81</td></tr><tr><td>70</td><td>84</td></tr><tr><td>75</td><td>87</td></tr><tr><td>80</td><td>89</td></tr><tr><td>85</td><td>92</td></tr><tr><td>90</td><td>95</td></tr><tr><td>95</td><td>97</td></tr><tr><td>100</td><td>100</td></tr></table> | Area of Sign | Measurement | sq. ft. | Distance (ft.) | 10 | 32 | 15 | 39 | 20 | 45 | 25 | 50 | 30 | 55 | 35 | 59 | 40 | 63 | 45 | 67 | 50 | 71 | 55 | 74 | 60 | 77 | 65 | 81 | 70 | 84 | 75 | 87 | 80 | 89 | 85 | 92 | 90 | 95 | 95 | 97 | 100 | 100 |
| | | Area of Sign | Measurement | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | sq. ft. | Distance (ft.) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | 10 | 32 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | 15 | 39 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | 20 | 45 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | 25 | 50 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | 30 | 55 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | 35 | 59 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | 40 | 63 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | 45 | 67 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | 50 | 71 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | 55 | 74 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | 60 | 77 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | 65 | 81 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | 70 | 84 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | 75 | 87 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | 80 | 89 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | 85 | 92 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | 90 | 95 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | 95 | 97 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | 100 | 100 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | Each EMC sign shall have a photocell that automatically adjusts the brightness according to ambient light conditions. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

AYES: Messrs. Bass, Brown, Hassen and Waller.
NAY: Mr. Gulley.

A. PROPOSED CODE AMENDMENT RELATIVE TO ELECTRONIC MESSAGE CENTERS.

EMC CODE AMENDMENT

An ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Sections 19-5 and 19-633 of the Zoning Ordinance relating to electronic message centers. The amendment would require (i) violations relating to electronic message centers be remedied within 24 hours of service of the notice of violation or any extension thereof, (ii) a separate sign permit for an electronic message center with the permit application requiring documentation of a separately designated electrical control box and a photocell to provide automatic change of brightness, and (iii) permitting suspension of an electronic message center sign permit when two or more notices of violation are issued for the same electronic message center sign within 12 months.

Mr. Greg Allen provided an overview of the proposed amendments relative to enforcement of violations; separate sign permits for all EMC signs to include a designated electrical control box and photocell to decrease brightness at night; and suspension of an EMC sign permit for multiple violations.

On motion of Dr. Brown, seconded by Mr. Hassen, the Commission resolved to recommend approval of an Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Sections 19-5 and 19-633 of the Zoning Ordinance relating to Electronic Message Centers.

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING
AND RE-ENACTING SECTIONS 19-5 AND 19-633
RELATING TO ELECTRONIC MESSAGE CENTERS

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) *That Sections 19-5 and 19-633 of the Code of the County of Chesterfield, 1997, as amended, are amended and re-enacted to read as follows:*

Sec. 19-5. Enforcement.

o o o

- (6) If the director of planning determines that any person has violated this chapter or failed to comply with any condition of a zoning or development approval, then he shall serve upon that person a notice to comply by either:
- a. Delivering the notice to the person by hand; or
 - b. Mailing the notice by first class mail to the last known address of the person.

The notice shall set forth the nature of the violation or failure to comply. Upon failure of the person to remedy the violation, comply with the condition or receive an extension within ten days after the date of delivery or mailing of the notice, the person shall be subject to the

penalties set forth above. With respect to violations or failures to comply involving portable signs, electronic message center signs, or the parking or display of motor vehicles, the person shall remedy the violation or comply with the condition within 24 hours of service of the notice or receive an extension, or the person shall be subject to the penalties above.

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Sec. 19-633. General regulations.

The following regulations apply to all signs, whether or not a sign permit is required, and are in addition to the regulations contained elsewhere in this article:

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- (b) A county sign permit is required for all signs in excess of eight square feet in area, unless otherwise provided in this chapter. A separate sign permit is required for all electronic message center (EMC) signs.

o o o

- (d) An application for a sign permit shall contain:

o o o

- (5) An EMC sign permit application shall include documentation of a designated electrical control box servicing only the EMC, and documentation of the photocell providing an automatic change of the illuminative brightness between sunset and sunrise.

- ~~(5)~~ (6) Information regarding other signs demonstrating compliance with the requirements of subsection (h) of this section; and

- ~~(6)~~ (7) The filing fee.

o o o

- (i) Anytime the holder of an EMC permit receives two (2) notices of violation within 12 months, the director of planning can suspend the EMC sign permit for a period of up to thirty (30) days. If the EMC permit holder receives any other notices of violation within 12 months of the end of the suspension period, the director of planning can suspend the EMC sign permit for a period of up to thirty (30) days for each additional violation. During suspension of the permit, the EMC sign shall be disconnected from electric power.

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

IX. CITIZEN COMMENT ON UNSCHEDULED MATTERS.

There were no citizen comments on unscheduled matters.

X. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Hassen, seconded by Mr. Waller, that the meeting adjourned at 7:36 p.m. to Thursday, June 23, 2011, at 1 p.m., in the Public Meeting Room, Chesterfield County Administration Building, Chesterfield, Virginia.

Chairman/Date

Secretary/Date